

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

TIMOTHY MARSH

Plaintiff

v.

GERALD CURRAN, ESQUIRE, ET. AL

Defendants

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Civil Action No. 1:18-cv-00787-LO-IDD

MOTION TO QUASH

COME NOW, Deponents, Mark R. Dycio, The Law Offices of Mark R. Dycio, P.C., d/b/a Dycio & Biggs, and Danielle A. Quinn, by and through undersigned counsel, and pursuant to Fed R. Civ. Pro. 45(d)(3), move to quash subpoenas and accompanying notices of deposition directed at them in the above referenced matter compelling a deposition on August 20, 2019, at 10:00 am, and as reasons therefore, say:

1. This matter arises out of a divorce action filed in the Circuit Court for Loudoun County, Virginia.

2. Plaintiff, the husband in the divorce, alleges that Defendants Gerald Curran, Damian McGarry and the Law Office of Curran, Moher & Weis, P.C. (hereinafter Defendants), his wife's attorneys, obtained audio recordings which he asserts were illegally made by his wife's sister and brother-in-law. Plaintiffs filed a motion to address discovery arising from the recordings in that action.

3. Subsequent to the hearing on Plaintiff's motion in the divorce action Defendants retained counsel, the moving parties, Mark R. Dycio, The Law Offices of Mark R. Dycio, P.C., d/b/a Dycio & Biggs, and Danielle A. Quinn (hereinafter collectively Deponents) to ensure compliance with the Circuit Court's ruling in regards to the information contained in those audio

recordings. Plaintiff now sues in this Court alleging the Defendants violated federal and state wiretapping laws.

4. Plaintiff's counsel has served subpoenas compelling depositions of Deponents.

5. On timely motion, a subpoena may be quashed or modified where the subpoena "requires disclosure of privileged or other protected matter, if no exception or waiver applies; or. . . subjects a person to undue burden." Fed R. Civ. Pro. 45(d)(3).

6. The subpoenas should be quashed, in whole or in part, as they seek to invade the attorney-client and/or work-product privileges.

7. That appended hereto is a Memorandum of Points & Authorities in support of the instant Motion.

WHEREFORE, this Honorable Court should QUASH the subpoenas duces tecum directed at Mark R. Dycio, The Law Offices of Mark R. Dycio, P.C., d/b/a Dycio & Biggs, and Danielle A. Quinn and provide such other relief as this Honorable Court deems just and proper.

Respectfully submitted,

MARK R. DYCIO, THE LAW OFFICES
OF MARK R. DYCIO, P.C., D/B/A DYCIO
& BIGGS, and DANIELLE A. QUINN

By counsel,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of August, 2019, a copy of the foregoing was electronically filed to:

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